

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-14 are pending. By this amendment, Claim 4 is amended and Claims 8-14 are added. New Claims 8-13 correspond to Claims 1-6 but remove “means plus function” language. No new matter has been added.

Applicants appreciate the courtesies extended to Applicants’ representative during the February 2, 2006 personal interview. The substance of the discussions held are incorporated into the previous amendments and following remarks and constitute Applicants’ record of the interview.

The Office Action rejects Claims 1, 2, 4 and 7 under 35 U.S.C. § 102(e) over U.S.P. 6,163,335 to Barracrough, Claim 3 under 35 U.S.C. § 103(a) over Barracrough in view of JP 407170507 to Menju et al., Claim 5 under 35 U.S.C. § 103(a) over Barracrough in view of WO 01/24523 to Kabushiki and Claim 6 under 35 U.S.C. § 103(a) over Barracrough in view of JP 405219500 to Nishimura. These rejections are respectfully traversed.

Before considering the rejections, it is believed that a brief review of the subject matter of the independent claims would be helpful. In this regard, independent Claim 1 includes an image receiving means for receiving an image, an image mute control means for automatically judging whether or not the image received by the image receiving means is output and an image outputting means for outputting the image received by the image receiving means through a communication line where the image control means judges to output the image.

Independent Claim 7 includes an image communication method including receiving an image, automatically judging whether or not the received image is output and outputting

the received image through a communication line where it is judged to output the received image.

Independent Claim 8 includes an image receiving mechanism configured to receive an image, an image mute control mechanism configured to automatically judge whether or not the image received by the image receiving mechanism is output and an image outputting mechanism configured to output the image received by the image receiving mechanism through a communication line in cases where the image mute control mechanism judges to output the image.

Independent Claim 14 includes a data sending mechanism to send a condition of the image mute control mechanism through the wire communication line or the radio communication line.

With respect to independent Claim 1, Applicants respectfully disagree with the Office Action's assertion that Barracough discloses an image mute control means for automatically judging whether or not the image received by the image receiving means is output. In Barracough, the video conferencing arrangement has the capability to automatically determine whether a video conferencing or conventional telephone call is being initiated. If a conventional telephone call is initiated the video processing functions of the video conferencing unit are not activated and the user proceeds with a conventional telephone call. If a video conferencing call is initiated the video conferencing unit establishes a data connection with a compatible device and proceeds with the video conference. See Barracough at column 3, lines 46-52. Thus, in Barracough a judgment is made before an image is received.

Similarly, with respect to independent Claim 7, Barracough does not disclose automatically judging whether or not the received image is output. With respect to independent Claim 8, Barracough does not disclose an image mute control mechanism

configured to automatically judge whether or not the image received by the image receiving mechanism is output.

With respect to Claim 2, Barraclough does not disclose that when a power is initially supplied to the image communication device, the image mute control means controls the image outputting mechanism not to output the image received by the image receiving mechanism. See, e.g., specification at page 10, line 13 et. seq. Instead, Barraclough merely discloses a video conferencing arrangement with the capability to automatically determine whether a video conferencing or conventional telephone call is being initiated depending on preprogrammed memory storing codes.

With respect to new Claim 14, none of the applied references disclose a data sending mechanism to send a condition of the image mute control mechanism through the wire communication line or the radio communication line. As discussed in the specification at page 12, line 18 et seq., in the media data multiplexing and de-multiplexing unit 9, the video mute on/off information produced in the video mute control unit 11, the coded audio data and the coded video data are multiplexed with each other to produce multiplexed media data. The multiplexed media data is sent to the other end of the communication line through the network interface 10 and the communication line. The video mute on/off information is analyzed in the system control unit 7 and it is recognized on the other end of the communication line that a video mute-off state is set on the user's side. This feature is not disclosed in any of the applied art.

None of the remaining applied art provides the deficiencies of Barraclough discussed above.

The remaining dependent claims are allowable for at least the reasons discussed above and for the individual features they recite. Withdrawal of the rejection of the dependent claims is respectfully requested.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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